

LBR 1007-1. LISTS, SCHEDULES, AND STATEMENTS

(a) **Number of Copies.** The number of copies of schedules and statement of financial affairs to be filed shall be the number of copies as prescribed in the Clerk's Instructions.

(b) **Alphabetical Listing of Creditors.** All creditors listed in Schedules D, E and F shall be arranged in alphabetical order.

(c) **Extension of Time.**

1. The court may, for cause shown, grant an ex parte motion for an extension of time for filing the schedules and statement of financial affairs required in Chapter 7, 11, 12 and 13 cases by FRBP 1007(b) to a date not less than five (5) days before the first date set for the Section 341(a) meeting. If the time for filing is extended, the debtor shall serve a copy of the schedules and statement of financial affairs on the trustee not later than five(5) days before the first date set for the Section 341(a) meeting.

2. Any further extension shall be granted only in accordance with FRBP 9006(b) and upon motion served by the debtor on all parties in interest.

3. Any motion for extension of time shall be made before the expiration of the period of time prescribed for filing the schedules and statement of financial affairs.

(d) **Service of Plan Upon Creditors Added by Amendment.** If the debtor in a Chapter 13 case adds a creditor by amendment prior to the confirmation of the debtors' plan, the debtor shall immediately serve a copy of the proposed plan on the creditor.

LBR 1007-2. MAILING - LIST OR MATRIX

(a) Master Mailing List.

1. General Requirements.

A. At the time of filing a voluntary petition or, in an involuntary petition, within 15 days following the entry of an order for relief, the debtor (or upon order of the court, petitioning creditor or partner) shall file a list of creditors which shall include in alphabetical order the name and last known mailing address for every scheduled creditor **including individuals and entities co-obligated with the debtor on any debts.**

B. The master mailing list, commonly referred to as the matrix of creditors, shall include the agencies and officers of the U.S. Government required to be served pursuant to FRBP 2002(j). Addresses for proper notice to major agencies of the U.S. Government can be obtained from the Clerk's Instructions.

C. If a federal tax debt is owed, all mailing lists shall include the address of the Internal Revenue Service office having responsibility for monitoring the case. Addresses for proper notice to the Internal Revenue Service can be obtained from the Clerk's Instructions.

2. If the debtor is a partnership, the mailing list shall contain the name and current mailing address of each general and limited partner.

3. If the debtor is a corporation, the mailing list shall contain the names and current mailing addresses of the present officers and directors and, if known, the immediate past officers and directors.

4. The mailing list shall contain the name and last known address or place of business of each equity security holder, if applicable.

(b) Form of Mailing List. The master mailing list, commonly referred to as the matrix of creditors, shall conform to the requirements found in the Clerk's Instructions.

(c) **Debtor Certification.** The Master Mailing List shall be accompanied by a certification signed by the debtor attesting that the list contains all known creditors including any individuals and entities co-obligated with the debtor on any debts.

LBR 1015-1. JOINT ADMINISTRATION/CONSOLIDATION

(a) **Husband and Wife.** The estates of married debtors who file a joint petition shall be jointly administered without further order of the court.

(b) **Separate Administration in A Joint Case.**

1. **Separation of Estates.** A joint petition which was filed and jointly administered pursuant to LBR 1015-1(a) may be separately administered upon motion by a debtor, trustee, other parties in interest or on the court's own initiative. Notice of the separation of the estates will be given to all parties in interest and will specify any additional case numbers to be used to reference the separate estates. If a debtor, trustee, or other party in interest wishes to separate the estates, the motion shall be filed pursuant to LBR 9007-1.

2. **Fees Due Upon Separation of a Joint Case.** When a joint case is ordered to be administered separately based upon a request by the debtor, a fee will be charged equal to one half the current filing fee for the chapter in which the joint case was commenced. All other orders separating cases otherwise jointly administered will not result in the assessment of an additional filing fee.

3. **Amended Schedules and Modified Plans Upon Separation of a Joint Case.** When a joint case is ordered to be administered separately, the debtors shall file amended schedules reflecting the financial status of the separate estates **within 15 days following entry of the order**. If the case is filed in Chapter 11, 12, or 13, separate modified plans must also be filed **within the 15 days following entry of the order**.

LBR 1019-1. CONVERSION - PROCEDURE FOLLOWING

(a) Notice of Conversion. All conversions pursuant to §§ 1208(a) or 1307(a) of the Code, shall be in the form of a notice of conversion, filed by the debtor with the clerk of court. The notice shall include a certification that all parties in interest have been served. The effective date of conversion shall be the date the notice of conversion is filed.

(b) Trustee Fee Allowable Upon Conversion. If a Chapter 13 case is converted prior to confirmation of a Chapter 13 plan, or prior to any disbursement to creditors, the Chapter 13 trustee shall be allowed to retain up to \$100.00 as an administrative expense without further motion or order of the court.

(c) Motion to Convert. Pursuant to ~~§ 706(a) of the Code, a~~ debtor may convert a Chapter 7 case to a case ~~in~~ **under** Chapter 11, 12, or 13, **that has not previously been converted** by filing of a motion accompanied by an appropriate order. **If the case has been previously converted,** the debtor shall serve the motion and notice pursuant to LBR 9004-1 and LBR 9007-1.

(d) Duty of Trustee Upon Conversion. Upon conversion of a case from Chapter 13 or Chapter 7 to any other chapter in title 11, the trustee shall file an account of all receipts and disbursements made in the case and a report on the administration of the case pursuant to § 704(9) of the Code. The trustee is discharged from the case 30 days after the filing of the required reports.

(e) Disposal of Pending Motions to Dismiss Upon Conversion. All pending motions to dismiss filed by the trustee prior to the conversion of a case will be deemed terminated as moot.

(f) Duty to Amend. Upon conversion of a case, the debtor shall, within 15 days of the effective date of conversion, file inventories, schedules, and statements of financial affairs as may be applicable, or amend such items to include any interest in property acquired since the entry of the order for relief in the original chapter. The amendments shall account for any material additions, deletions, or other changes in the debtor's assets or liabilities. The amendments shall add to the mailing matrix any post-petition, pre-conversion creditors. If no amendments or additional inventories, schedules, or statements are necessary, the debtor shall file a certificate to that effect within the 15-

day period.

LBR 2002-1. NOTICE TO CREDITORS & OTHER PARTIES IN INTEREST

(a) Noticing of 20-Day Matters. The clerk of the Bankruptcy Court shall serve the notices required by FRBP 2002(a)(1) and 2002(a)(7). The party filing any motion or application shall serve any other notice required by FRBP 2002(a).

(b) Noticing of 25-Day Matters. The party filing any motion or application shall serve any notices required by ~~Bankruptcy Rule~~ FRBP 2002(b).

(c) Other Notices. The clerk of the Bankruptcy Court shall serve the notices required by FRBP 2002(e), 2002(f)(1), 2002(f)(2), 2002(f)(3), 2002(f)(4), 2002(f)(5), 2002(f)(6), 2002(o), 3002(c)(5), 3004, 4007(c), 4007(d), 7054(b), 8004, and 9022(a). The party filing any motion or application shall serve any other notice required by ~~Bankruptcy Rule~~ FRBP 2002 that is not otherwise specified in this or other sub-parts of this rule.

(d) Certificate of Service. The party filing any motion or application who is required by this rule to serve notices shall, upon completion of the service required by this rule, file a certificate of service with the court.

(e) Content of Notice. All notices shall comply with the provisions of LBR 9004-1.

(f) Matters Requiring Expedited Settings. In all cases where a party files a pleading and seeks to expedite its consideration by the court, a separate motion for expedited hearing must be filed contemporaneously with the affected pleading, containing sufficient information on its face to permit the court to determine the necessity for expedited treatment. All motions to expedite shall be accompanied by a proposed order and a certification regarding request for emergency hearing. The certificate shall substantially comply with the form certificate found in the Clerk's Instructions.

(g) Returned Notices. Notices of the first meeting of creditors pursuant to § 341(a) of the United States Bankruptcy Code shall contain a return address for the attorney representing the debtor. If the debtor is pro se, the notices will be returned to the clerk of court. If a notice is returned to debtor's attorney as undelivered, the debtor's attorney shall be responsible for determining the correct address for the addressee on each returned notice. The debtor's attorney shall re-serve the notice and certify such

service by filing a certificate of service. At the time of the certification, the debtor's attorney shall also provide the clerk with any corrected address. If corrected addresses are unavailable, counsel for debtor shall inform the clerk in writing, and the clerk is then authorized to remove any such address from the mailing list. If the debtor is pro se, the clerk's office will attempt to resolve any undelivered notices. If unable to locate a corrected address for a returned notice, the clerk is authorized to remove any such address from the mailing list.

(h) Undeliverable Notices. If an insufficient creditor(s) address is provided to the Court, which cannot be mailed by the National Bankruptcy Noticing Center, debtor's attorney will be notified that the address is insufficient and the Notice of the Section 341(a) Meeting of Creditors for the particular creditor involved was undeliverable. The attorney shall immediately ascertain the correct address for such creditor(s) and serve the Notice of the Section 341(a) Meeting of Creditors at the correct address. The attorney shall file a Certification regarding service of such notices in a form specified in the Clerk's Instructions.

LBR 3012-1. VALUATION OF COLLATERAL

(a) **Chapter 13 Cases.** The value of collateral in all Chapter 13 cases will be determined at the confirmation hearing and will be incorporated into the court's order confirming the plan. The values set by the debtors in their Chapter 13 plans may be adopted by the court, unless a written objection is filed by the holder of the secured claim, and evidence concerning value is presented by the holder of the claim at the confirmation hearing. Any **allegation of** value contained in a proof of claim filed by a creditor will not be deemed an objection to debtor's valuation.

(b) **Chapter 12 Cases.** The value of collateral in all Chapter 12 cases will be determined prior to the hearing on confirmation of the Chapter 12 plan. The values set by the debtors in their Chapter 12 plans may be adopted by the court, unless a written objection is filed by the holder of the secured claim⁷. **If an objection is filed, a hearing will be scheduled with notice to all parties in interest. At the hearing, the objecting party must present**~~and evidence concerning value is presented by the holder of the claim at a hearing to be set by the court.~~ Any **allegation of** value contained in a proof of claim filed by a creditor will not be deemed an objection to debtor's valuation.

(c) **Expert Witnesses.** In all actions involving valuation of property by an expert witness, five (5) working days prior to the time of the hearing or trial, the party wishing to introduce the testimony of an expert witness shall file with the court and serve on all parties in interest a sworn written statement of the valuation of the property, qualifications of the appraiser, **a copy of any written appraisal**, and the method used in making the appraisal. The appraiser must give oral testimony at the time of a hearing or trial, but not testify on direct examination. The party wishing to introduce the valuation of property by an expert witness may, at the time of a hearing or trial, make a summary of the appraisal. The appraiser will then be sworn for the purposes of cross-examination by the adverse parties.

LBR 3015-2. CHAPTER 13 - MODIFICATIONS TO PLAN

A request to modify a plan pursuant to § 1329 of the Code shall be served by the proponent of the modification on the trustee and on all parties in interest affected by the modification pursuant to LBR 9004-1 and LBR 9007-1. For all post confirmation modifications the debtor shall prepare and file a budget of current income and expenses.

LBR 3015-3. CHAPTER 13 - CONFIRMATIONS

All creditor objections to confirmation of a Chapter 13 plan shall comply with the following:

1. All creditor objections are to be filed and served 7 days prior to the first confirmation hearing held in the case.
2. FRBP 9006 shall be applicable in determining the timely filing of creditor objections.
3. The first confirmation hearing held in the case for the purposes of this rule is deemed to be the later of the hearing date set by the court and contained in the notice of the meeting of creditors pursuant to § 341 of the Code or, in the event the meeting of creditors is adjourned, the confirmation date announced at the completed meeting of creditors.
4. All written objections to confirmation and any request to file an objection after the deadline set above shall be served on the debtor, counsel for the debtor, and the Chapter 13 trustee.
5. Since the hearing to consider confirmation of a plan has been noticed to all interested parties, any objections to confirmation of a plan will not need to contain a notice of hearing.

LBR 3018-1. BALLOTS - VOTING ON PLANS

For all confirmation hearings the plan proponent must prepare a written ballot summary in substantially the same form as contained in the Clerk's Instructions. ~~In addition to indicating how each class and every entity voted, the summary shall also have each ballot attached as an exhibit~~The summary shall indicate how each class and every entity voted. At the confirmation hearing, the original ballot summary and one copy will be submitted to the court. At that time it will be marked as an exhibit for the plan proponent

LBR 4001-1. AUTOMATIC STAY - RELIEF FROM

(a) Contents of Motions for Relief from Stay. Motion seeking relief from the automatic stay as to property of the estate must specify the relief requested and include the following:

1. A description of the security interest(s) claimed by the creditor in the subject property ("collateral").
2. The creditor's estimate of value of the collateral and the basis of that valuation.
3. A statement of the indebtedness claimed to be due and owing with an itemization showing principal and advances, accrued interest, attorney's fees, and costs.
4. A statement of the amount of any other secured claims against the property (if known), and whether any such claim is superior or inferior to the movant's claim.
5. If relief is sought pursuant to § 362(d)(1) of the Code for cause, including lack of adequate protection, a factual statement of the grounds for such relief.
6. Motions seeking relief under § 362(d) of the Code, shall comply with the requirements of LBR 9004-1(a)1 and shall include a notice of hearing pursuant to LBR 9004-1(b)6.
7. Relief from stay allowed pursuant to § 1301(d) can only be granted by order of the court.

(b) Agreements Providing for Relief from the Automatic Stay or for the Provision of Adequate Protection. All motions for approval of an agreement to provide adequate protection, for the modification or termination of the stay provided in § 362 of the Code, for the use of cash collateral, or for the approval of an agreement between the debtor and an entity that has a lien or interest in property of the estate pursuant to which the entity consents to the creation of a lien senior or equal to the entity's lien or interest in such property shall be served on or consented to by the following entities:

1. In a Chapter 11 or a Chapter 9 case, any committee appointed under the United States Bankruptcy Code or the authorized agent for the committee, or, if no committee has been appointed, the 20 largest unsecured creditors contained in the list filed pursuant to FRBP 1007(d), the

trustee, any individuals or entities requesting notices pursuant to FRBP 2002(I), and any other individuals or entities that the court may direct.

2. In Chapters 7, 12 and 13, all agreements, as set out above, must be consented to by the trustee appointed in the case, unless the trustee has expressly abandoned the asset or indicated in writing that the trustee has no opposition to the motion. No further service on any other entity shall be required unless otherwise ordered by the court.

(c) Payment of Secured Claims after Motion for Relief is Granted or Collateral Surrendered. In a Chapter 13 case, after a motion for relief from stay has been granted, or after confirmation of a plan or a modified plan that provides for surrender of secured collateral, the Chapter 13 trustee is authorized, following written notice to any such creditor, to suspend payments on any claim filed by such creditor. Actual possession of the collateral by the creditor is not a prerequisite for the application of this rule. The creditor may reinstate its right to receive payment on the claim by notifying the Chapter 13 trustee in writing, with a copy to the court, that it believes it is entitled to payment under the plan, and the creditor furnishes an accounting of all proceeds, if any, received from the sale of the collateral.

(d) Ex Parte Relief from Stay to Obtain Possession of Certain Uninsured Collateral.

1. Except in Chapter 11 cases, if collateral securing a claim, including property which is the subject of a lease, is a motor vehicle, trailer, boat, or an airplane, and if there is a contractual obligation by the debtor to provide collision and comprehensive insurance and the same is not in effect, then the creditor may file with the Bankruptcy Court a motion for ex parte relief from the stay of pursuant to § 362(f) of the Code to obtain possession of the collateral or leased property.

2. The Bankruptcy Court may, in its discretion, apply this rule to a Chapter 11 case.

3. Any motion for ex parte relief from the stay under this rule shall be verified and shall:

A. Include the following:

(1) A description of the collateral or leased property;

(2) A statement of the amount of the claim and the basis on which the claim is secured;

(3) An affidavit setting forth the basis on which the moving party believes that the collateral or leased property is not insured with full comprehensive insurance;

(4) A statement that the moving party or its attorney has given or attempted to give oral notice to the debtor's attorney or the debtor, if the debtor is not represented, and to the case trustee, that the motion is being filed, and;

(5) A statement specifying the failure, if any, of the debtor to produce proof of insurance at the time of the meeting of creditors pursuant to § 341 of the Code as required by LBR 4070-1.

B. Be accompanied by a proposed order which shall provide that:

(1) The debtor or trustee is prohibited from using the collateral or leased property unless and until adequate evidence of full collision and comprehensive insurance is presented to the movant or movant's counsel;

(2) The debtor or trustee, whichever is in actual physical possession of the collateral or leased property, shall notify the movant or movant's counsel of the location of the collateral;

(3) The debtor or trustee, whichever is in actual physical possession of the collateral or leased property, shall surrender it to the movant within 72 hours, unless within that time the movant or movant's counsel is provided with adequate evidence of collision and comprehensive insurance or, the debtor or trustee requests a hearing concerning same;

(4) The movant is authorized to take physical

possession of collateral or leased property required to be surrendered under this rule, and to hold same, at movant's risk, provided that the movant may not dispose of the collateral or leased property unless and until the automatic stay is modified, terminated or expires as a matter of law and provided that, if the debtor provides adequate evidence of full collision and comprehensive insurance prior to the expiration or termination of the automatic stay, then the movant must return the property to the debtor;

(5) The movant or movant's counsel shall serve copies of the motion and **proposed** order promptly on the debtor, the debtor's attorney, and the trustee, and shall provide telephonic notice to the debtor's attorney and, if the trustee is in actual physical possession of the property, to the trustee.

LBR 4003-2. LIEN AVOIDANCE

Motions to avoid liens under § 522(f) of the Code shall be served with a notice to respond that complies with requirements of LBR 9004-1. The motion shall be served pursuant to LBR 9007-1. In chapter 13 cases, debtor(s) may propose to avoid liens in the chapter 13 plan. The plan must specify the creditors whose liens are affected by such provisions in the plan.

LBR 7001-1. ADVERSARY PROCEEDINGS - GENERAL

In the interest of expediting certain matters covered in Part VII of the Federal Rules of Bankruptcy Procedure, the court will consider a ~~request~~ **motion** by a debtor ~~who has filed a motion~~ in Chapter 13 of the Bankruptcy Code to recover an automobile or an item of consumer goods repossessed by a creditor as a contested matter in Part IX of the Federal Rules of Bankruptcy Procedure. Upon the request of any party in interest, any such motion will be deemed an adversary proceeding under Part VII of the Federal Rules of Bankruptcy Procedure.

LBR 9004-1. PAPERS - REQUIREMENTS OF FORM

(a) Multiple Requests for Relief.

1. Motions for relief from stay may not be combined with other forms of relief, except those allowed by §§ 362 and 1205 of the Code. **Motions for relief from stay allowed by § 1301 may be combined with motions pursuant to § 362.**
2. Objections to confirmation of a Chapter 13 plan may not be combined with other requests for relief.

(b) Waiver of Requirements of § 362(e)

Any waiver of the 30-day requirement of § 362(e) of the Code by the movant shall be set out in the title of the motion.

(c) Notices - Form. All notices served shall substantially conform to the following directives:

1. Method of Service. Every notice shall be set out as a separate document from any associated pleading except that a certificate of service may be combined with the notice. The notice may be served separately. If served with associated pleading, the notice shall be the first page or pages of the service packet. However, the notice may be combined with a short pleading if both can be contained on a single page.
2. Designated Authority for a Notice. The notice shall contain language that identifies the authority of the sender for originating the notice by indicating whether the notice is being sent by direction of the court or pursuant to a Local Bankruptcy Rule, Federal Rule of Bankruptcy Procedure, or the Bankruptcy Code. The appropriate citation for any rule or code section shall be specified in the notice.
3. Identity of Sender and Court. The notice shall clearly identify the sender by name, address, and telephone number. The notice shall also set out the name, mailing address, and phone number for the clerk's office.
4. Required Notice Caption. Each notice shall be captioned as it appears on any associated pleading or

petition and shall substantially comply with the requirements of FRBP 9004(b).

5. Mandatory Language.

a. Notice of Motion or Objection Other Than Objections to Claims. Unless a hearing is specifically required for the matter being noticed, notice and an opportunity for hearing as contemplated by LBR 9007-1 may be accomplished by the inclusion of the following language presented conspicuously in the notice and fully capitalized:

____{Movant}____ HAS FILED PAPERS WITH THE COURT TO [relief sought in motion or objection].

YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)

IF YOU DO NOT WANT THE COURT TO [relief sought in motion or objection], OR IF YOU WANT THE COURT TO CONSIDER YOUR VIEWS ON THE [motion] [objection], THEN YOU OR YOUR ATTORNEY MUST FILE WITH THE COURT A WRITTEN REQUEST FOR A HEARING ON OR BEFORE ____ [SEE (b)7 BELOW].

IF YOU MAIL YOUR REQUEST TO THE COURT FOR FILING, YOU MUST MAIL IT EARLY ENOUGH SO THE COURT WILL RECEIVE IT ON OR BEFORE THE DATE STATED ABOVE.

ANY REQUEST FOR A HEARING MUST ALSO BE MAILED TO THE MOVING PARTY AND UPON ALL OTHER PERSONS INDICATED ON THE CERTIFICATE OF SERVICE ATTACHED TO THIS PLEADING.

IF YOU OR YOUR ATTORNEY DO NOT TAKE THESE STEPS, THE COURT MAY DECIDE THAT YOU DO NOT OPPOSE THE RELIEF SOUGHT IN THE MOTION OR OBJECTION AND MAY ENTER AN ORDER GRANTING THAT RELIEF.

b. Notice of Objections to Claims. The following language shall be presented conspicuously in the notice of objection to claims and fully capitalized:

____{Objecting Party}____ HAS FILED AN OBJECTION TO YOUR CLAIM IN THIS BANKRUPTCY CASE.

YOUR CLAIM MAY BE REDUCED, MODIFIED OR ELIMINATED.

YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)

IF YOU DO NOT WANT THE COURT TO ELIMINATE OR CHANGE YOUR CLAIM, THEN YOU OR YOUR ATTORNEY MUST FILE WITH THE COURT A WRITTEN RESPONSE TO THE OBJECTION ON OR BEFORE _____ [SEE (b)7 BELOW and LBR 3007-1]. YOU MUST CONTACT THE BANKRUPTCY COURT AND OBTAIN A HEARING DATE AND SERVE NOTICE OF THAT HEARING DATE AT THE SAME TIME AS THE RESPONSE IS SERVED. IF YOU ARE NOT REPRESENTED BY AN ATTORNEY, THE COURT WILL ISSUE AND SERVE NOTICE OF THE HEARING DATE TO CONSIDER THE OBJECTION AND RESPONSE.

IF YOU MAIL YOUR RESPONSE TO THE COURT FOR FILING, YOU MUST MAIL IT EARLY ENOUGH SO THE COURT WILL RECEIVE IT ON OR BEFORE THE DATE STATED ABOVE.

ANY RESPONSE MUST ALSO BE MAILED TO THE OBJECTING PARTY AND UPON ALL OTHER PERSONS INDICATED ON THE CERTIFICATE OF SERVICE ATTACHED TO THIS PLEADING.

IF YOU OR YOUR ATTORNEY DO NOT TAKE THESE STEPS, THE COURT MAY DECIDE THAT YOU DO NOT OPPOSE THE OBJECTION TO YOUR CLAIM.

6. Notice of Hearing. If a hearing is required to be held concerning any matter other than one provided for under LBR 9007-1(c), ~~the notice shall set out the location, hearing date, and time the hearing is scheduled to commence.~~ the notice of hearing shall be served with the motion on all interested parties and shall include the following language presented conspicuously in the notice:

 {Movant} HAS FILED PAPERS WITH THE COURT TO [relief sought in motion].

YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)

IF YOU DO NOT WANT THE COURT TO [relief sought in motion], OR IF YOU WANT THE COURT TO CONSIDER YOUR VIEWS ON THE [motion], THEN YOU AND/OR YOUR ATTORNEY MUST ATTEND THE HEARING SCHEDULED TO BE HELD ON (date) ,

(year), AT _____a.m./p.m. IN COURTROOM _____, UNITED STATES BANKRUPTCY COURT, [INSERT HERE THE COURT'S STREET ADDRESS].

IF YOU OR YOUR ATTORNEY DO NOT TAKE THESE STEPS, THE COURT MAY DECIDE THAT YOU DO NOT OPPOSE THE RELIEF SOUGHT IN THE MOTION AND MAY ENTER AN ORDER GRANTING THAT RELIEF.

7. Notice Period. The party preparing the notice shall insert the appropriate deadline for response that is applicable to the motion filed. Unless a rule specifies otherwise, the time allowed shall be 20 days from the date of the issuance of the notice.

LBR 9007-1 NOTICE AND OPPORTUNITY FOR HEARING

(a) Notice - Service. Unless these rules specifically provide for the persons or entities to be served, when these rules require service of a motion pursuant to this rule, the movant must send a copy of the motion to all parties in interest.

(b) Notice - Contents. Any notice served pursuant to this rule shall comply with LBR 9004-1(b)(5).

(c) Objections or Responses - Service and Hearings. If an objection or response is filed pursuant to this rule, a hearing will be scheduled with notice to all parties in interest. The party filing the objection or response shall obtain a hearing date from the court, prepare and serve a notice of hearing. The notice of hearing provided for herein need only state that a hearing will be held and set out the location, hearing date, and time the hearing is scheduled to commence. Any objection or response filed pursuant to such notice shall be served on the movant not later than the date such objection or response is filed with the court.

(d) Relief Granted. If no objection is filed pursuant to this rule, the court may grant the relief requested without further notice or hearing.

LBR 9013-1. MOTION PRACTICE

(a) **Title Proposed Order.** Any motion ~~without a hearing that is~~ which may be granted shall be accompanied by a proposed order bearing a title which describes relief granted. If the motion requests alternative relief as allowed under LBR 9004-1(a), the order must dispose of all matters raised in the motion. ~~If a hearing is held on the motion, the movant shall bring a proposed order to the hearing.~~

(b) **Citation of Authority.** All motions should indicate applicable code sections or FRBP which affect the granting or denial of the relief which is sought.

(c) **Notice of Motion.** All motions filed pursuant to this Rule shall be accompanied by a notice that substantially complies with the requirements of LBR 9004-1(b).

LBR 9019-1. SETTLEMENTS AND AGREED ORDERS PURSUANT TO FRBP 9019

(a) **Settlement.** If all or part of an adversary proceeding has been compromised or settled, a motion to compromise shall be filed in the bankruptcy case, not in the adversary proceeding. The motion to compromise shall identify the adversary proceeding, in the body of the motion and not in the caption of the motion.

(b) **Notice Required.** Notices regarding motions to compromise a contested matter shall state the nature of the controversy and the terms of the compromise. The movant shall comply with LBR 9004-1 and LBR 9007-1. No notice is required with respect to settlements of actions arising under § 523(a) of the Code, unless directed otherwise by the court. The parties may move the court to waive notice in other matters when appropriate.

(c) **Order Approving Compromise.** An order approving a compromise or settlement shall be entered in the bankruptcy case and a separate disposition will be entered in the adversary proceeding.